No. 793. UNITED STATES *v.* MICHENER. Certiorari, 329 U. S. 711, to the Circuit Court of Appeals for the

Eighth Circuit. Argued April 30, 1947. Decided June 2, 1947. *Per Curiam:* Reversed. *Blockburger* v. *United States*, 284 U. S. 299; *Albrecht* v. *United States*, 273 U. S. 1; *Gavieres* v. *United States*, 220 U. S. 338. MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE share the view of the Circuit Court of Appeals, 157 F. 2d 616, that this case is controlled by the principles announced in *Morgan* v. *United States*, 294 F. 82, 84; *Tritico* v. *United States*, 4 F. 2d 664, and *Goetz* v. *United States*, 39 F. 2d 903, and accordingly would affirm the judgment below. *W. Marvin Smith* argued the cause for the United States. With him on the brief were *Acting Solicitor General Washington*, *Robert S. Erdahl* and *Irving S. Shapiro*. *Roger Kent* argued the cause and filed a brief for respondent. Reported below: 157 F. 2d 616.